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1 BEFORE THE ARIZONA POWER PLANT
2 AND TRANSMISSION LINE SITING COMMITTEE

3 IN THE MATTER OF THE) DOCKET NO.
4 APPLICATION OF SOUTHWEST) L-00000CC-09-0158-00142
5 TRANSMISSION COOPERATIVE,)
6 INC., OR ITS ASSIGNEES, IN) Case No. 142
7 CONFORMANCE WITH THE)
8 REQUIREMENTS OF ARIZONA)
9 REVISED STATUTES §§40-360, et)
10 seq., FOR A CERTIFICATE OF)
11 ENVIRONMENTAL COMPATIBILITY)
12 AUTHORIZING THE CONSTRUCTION)
13 OF THE SAN MANUEL)
14 INTERCONNECT PROJECT LOCATED)
15 IN THE VICINITY OF SAN MANUEL)
16 IN PINAL COUNTY, ARIZONA.)
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Arizona Corporation Commission

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**PREHEARING
CONFERENCE**

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14 At: Phoenix, Arizona

15 Date: May 5, 2009

16 Filed: May 8, 2009

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25 SITING COMMITTEE

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1 BE IT REMEMBERED that the above-entitled matter
2 came on regularly to be heard before the Arizona Power
3 Plant and Transmission Line Siting Committee, 1275 West
4 Washington Street, Phoenix, Arizona, commencing at
5 2:00 p.m. on the 5th day of May, 2009.

6

7 BEFORE: JOHN FOREMAN, Committee Chairman

8

9 APPEARANCES:

10 For Southwest Transmission Cooperative, Inc.:

11 GALLAGHER & KENNEDY, P.A.
12 By: Mr. Michael M. Grant
13 2575 East Camelback Road, Suite 1100
Phoenix, Arizona 85016

14 For Pinal County:

15 MR. LAWRENCE V. ROBERTSON, JR., ESQ.
16 P.O. Box 1448
17 Tubac, Arizona 85646
(Appeared telephonically)

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MICHELE E. BALMER
Certified Reporter
Certificate No. 50489

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1 CHMN. FOREMAN: Let's go on the record. This is
2 the prehearing conference in Docket Number -- or Case
3 No. 142 before the Arizona Power Plant and Transmission
4 Line Siting Committee. And my name is John Foreman, and
5 I'm the Chairman of the committee.

6 Mr. Grant, why don't you go ahead and make your
7 appearance.

8 MR. GRANT: Mr. Chairman, good afternoon. Mike
9 Grant on behalf of Southwest Transmission Cooperative, the
10 Applicant in the proceeding.

11 CHMN. FOREMAN: All right. And Mr. Robertson,
12 why don't you enter your appearance.

13 MR. ROBERTSON: Thank you, Mr. Chairman. My name
14 is Lawrence V. Robertson, Junior, appearing on behalf of
15 Pinal County.

16 CHMN. FOREMAN: Now, if I'm correctly
17 understanding the situation, Pinal County is the only
18 party that has indicated an interest in intervening; is
19 that correct?

20 MR. GRANT: Judge, that's correct. I had talked
21 to Commission Staff, oh, about ten days ago, and they
22 didn't think they were going to intervene, and apparently
23 did not intervene. I checked the docket and nothing was
24 filed. So I think Pinal County is the only other party.
25 And I have received no other communications from anyone.

1 CHMN. FOREMAN: Okay.

2 MR. ROBERTSON: Chairman Foreman, I can confirm
3 and supplement what Mr. Grant just advised you. I spoke
4 with one of the senior staff people in the Legal Division
5 at the Commission late last week, and she advised me she
6 thought it was highly unlikely they would seek to
7 intervene in Siting Case 142.

8 CHMN. FOREMAN: If that issue is out of the way,
9 let me just kind of go through the issues that we need to
10 address here today. We're scheduled to start next
11 Tuesday, if memory serves correct.

12 MR. GRANT: Tuesday at 10:00 a.m.

13 CHMN. FOREMAN: And we'll be at the
14 El Conquistador. I want to make sure that the notices
15 were posted as we had discussed.

16 MR. GRANT: Judge, publication was accomplished
17 on April 1 and 3, and an affidavit to that effect has been
18 filed with Docket Control.

19 CHMN. FOREMAN: Okay.

20 MR. GRANT: The certified mailings were made to
21 the Pinal County Board of Supervisors, State Land
22 Department, Bureau of Land Management, Arizona Game & Fish
23 on April 7, and return receipts were received from all.

24 And then, on April 21, the notice was physically
25 posted at the front and back on Reddington Road, River

1 Road. On the BHP property, I think we had agreed on about
2 three postings there, even though that was private land,
3 and also a posting where the proposed line would intersect
4 with the existing San Manuel -- or I'm sorry -- Apache to
5 Hayden transmission line.

6 CHMN. FOREMAN: The Southwest Transmission line.

7 MR. GRANT: Yeah. Right.

8 CHMN. FOREMAN: All right.

9 MR. GRANT: And those matters are covered as you
10 requested in the testimony of Jim Burson, which I prefiled
11 yesterday and hopefully you got a copy of.

12 CHMN. FOREMAN: Got a copy of it this morning.

13 Mr. Robertson, do you have any issues with regard
14 to notice or posting?

15 MR. ROBERTSON: No, Mr. Chairman. I do not.

16 CHMN. FOREMAN: All right. Do you have any
17 issues with regard to the location, the venue of the
18 hearing?

19 MR. ROBERTSON: No, I do not.

20 CHMN. FOREMAN: Do either of you anticipate that
21 there will be public comment?

22 MR. GRANT: Judge, not a lot, and maybe none. I
23 want to say Exhibit K-6 was -- you know, the client had an
24 open house in early March. Several people showed up.
25 None of them had -- most of the inquiries were just what

1 is the project about; gosh, are you going to employ any
2 local people, inquiries along those lines. There is a
3 very heavy retired population, I think as we had
4 previously discussed, in San Manuel. But in general, I
5 mean, the project is kind of removed from the Town of San
6 Manuel.

7 There are existing transmission lines, of course,
8 already in the immediate vicinity. And so I can't line
9 out the possibility that someone will show up, but I
10 certainly don't expect -- given that, I certainly don't
11 expect any outpouring of angry natives.

12 CHMN. FOREMAN: Okay. Well, I was -- angry
13 natives or prolix and effusive supporters, both may
14 require more time than we have budgeted, so that's why I
15 asked.

16 MR. GRANT: I just seriously doubt it.

17 CHMN. FOREMAN: Mr. Robertson, do you expect
18 anyone to present during the public comment session?

19 MR. ROBERTSON: Chairman Foreman, I have no
20 personal knowledge of anyone intending to appear during
21 public comment, and none of the people with whom I have
22 been communicating in Pinal County have indicated such an
23 anticipation on their part. Like Mr. Grant, obviously, I
24 can't rule out that possibility, but I'm not aware of
25 anyone at this point.

1 CHMN. FOREMAN: Now, I have not received any
2 indication from you, Mr. Robertson, that you're going to
3 present testimony. Is that the case?

4 MR. ROBERTSON: Chairman Foreman, I have been
5 requesting on an ongoing basis from my client an
6 indication as to whether or not we intended to present
7 testimony. The last communication I received was about
8 five minutes before this prehearing conference began.

9 As of this juncture, Pinal County has asked me to
10 make an opening statement on its behalf, and I will have
11 the assistant county manager who has been assigned to this
12 matter in attendance with me, but we're not anticipating
13 actually putting on any testimony.

14 CHMN. FOREMAN: Okay. Does he want to say
15 anything as a part of public comment?

16 MR. ROBERTSON: Thus far, he's indicated that he
17 would just ask me to make an opening statement. We did
18 not discuss the public comment aspect. I realize now,
19 hearing your question, I assumed that he was taking the
20 approach that I would speak on behalf of the county.

21 CHMN. FOREMAN: Okay. And I'm fine with that,
22 but if they want to have somebody talk as a part of public
23 comment, I don't have a problem with that. I would hope
24 that if they were going to say something that Mr. Grant
25 needed to respond to, that you would give Mr. Grant

1 advanced notice of what it is they were going to say.

2 MR. ROBERTSON: Oh, no. I certainly would. And
3 actually, Mr. Grant and I have been in ongoing
4 communication for at least the last few weeks, including
5 as recently as this morning. And I would certainly notify
6 him in advance if there was anything that he needed to be
7 prepared to respond to.

8 MR. GRANT: Judge, in fact, last week I sent
9 Mr. Robertson the proposed form of Certificate of
10 Environmental Compatibility, which I also filed yesterday,
11 and we discussed that on the telephone. And I believe
12 that Pinal County and Mr. Robertson are in agreement with
13 the -- have no objections to the proposed form of CEC.

14 CHMN. FOREMAN: Okay.

15 MR. ROBERTSON: That is correct, Mr. Chairman.
16 And actually, apropos of your request of a moment ago, I
17 received an e-mail from my client about two minutes before
18 this prehearing conference began, and there are two points
19 that I am going to bring to the attention of Mr. Grant
20 before the hearing begins.

21 CHMN. FOREMAN: Okay. But you do not anticipate
22 that the form of the Certificate of Environmental
23 Compatibility that you'll advocate at the end of the
24 hearing will be dramatically different than that which has
25 been presented by Mr. Grant?

1 MR. ROBERTSON: At this juncture, certainly not.
2 I'm assuming what he filed yesterday is the same document
3 that he provided to me a week or ten days ago, because it
4 would be the latter document that I had an opportunity to
5 review. And based on my understanding of Pinal County's
6 position right now, we would not object to the form of the
7 CEC that he has filed.

8 Now, obviously, if something comes up during the
9 hearing that has not been addressed by his draft CEC or
10 perhaps needs to be addressed in a different manner as a
11 result of testimony coming in before the hearing, then we
12 might want to offer comment on the form and content at
13 that juncture.

14 CHMN. FOREMAN: All right. Let's just get those
15 cards out on the table as quickly as possible so that we
16 can -- if we're going to try to get this done in a day,
17 we're going to need to work to make sure that's done.

18 And jumping ahead a little bit, Mr. Grant, are
19 you going to have computer projectors available with word
20 processing capabilities so that if we do need to do some
21 wordsmithing we'll be able to do that?

22 MR. GRANT: Judge, I confirmed that with the
23 client. We'll have video screens there which will serve
24 two purposes, actually. We will have -- as I mentioned in
25 the prior procedural conference, we will have a Google

1 Earth flyover at the end of Mr. Kertell's testimony before
2 tendering him for questions that we will run for the
3 committee, and the video screens will be there for that,
4 and then also they will have word processing capability.
5 We've got the product loaded up so if we need to wordsmith
6 it, we'll be able to do that.

7 CHMN. FOREMAN: Great. Great.

8 All right. I assume that you both have had an
9 opportunity to look at the agenda for next week's hearing.
10 Are there any objections with regard to form or compliance
11 with either the statutes relating to line siting or the
12 open meetings law?

13 MR. GRANT: Looks accurate and comprehensive to
14 me.

15 MR. ROBERTSON: I have no objections,
16 Mr. Chairman.

17 CHMN. FOREMAN: Well, that's good, because I sure
18 have worked hard to try to avoid objections.

19 MR. GRANT: Understood.

20 CHMN. FOREMAN: All right. Let's see. Next
21 item.

22 MR. ROBERTSON: Before we move on, in that
23 regard, may I inquire for the purpose of confirming that
24 both you and Mr. Grant are aware that I filed 26 copies of
25 an electronic communication I had sent to you,

1 Mr. Chairman, inquiring if I could participate in today's
2 prehearing conference by telephone, and I filed that
3 e-mail with Docket Control. I wanted to be sure each of
4 you were aware of that.

5 MR. GRANT: Am.

6 CHMN. FOREMAN: Yes, very much aware of it.
7 Thank you for doing that as my procedural order requests.
8 And hopefully that will deal with that issue.

9 MR. GRANT: And Judge, while we're on that
10 subject, I think I have made a couple or three filings,
11 and I believe I filed -- and I know you did as well -- I
12 think I have filed all e-mail communications that I have
13 had as well. There haven't been that many.

14 CHMN. FOREMAN: Yes. Well, I think a significant
15 number of trees have been sacrificed to make sure that the
16 record is crystal clear and available to the public.

17 Okay, let's see. I assume that you have
18 contacted Mr. Kearns or whoever is in the finance office
19 over there about the financial arrangements?

20 MR. GRANT: Have.

21 CHMN. FOREMAN: And Tara has been working with
22 regard to the arrangements for overnights for people who
23 are -- I guess are going to stay there and be involved at
24 the hotel. So I think we've got that covered.

25 Exhibits. Are there going to be exhibits other

1 than those that we've seen so far?

2 MR. GRANT: Judge Foreman, I don't think so. I
3 did want to cover a couple of points on that, though. I
4 would like to designate the application itself as A-1.
5 And getting back to your trees comment, if I could just
6 request -- it obviously has been filed in multiple forms
7 in Docket Control. And I was hoping that as opposed to
8 physically dropping in yet another copy, that perhaps I
9 could just ask you to take official notice of the
10 Commission record.

11 CHMN. FOREMAN: No. Yeah, we don't need to kill
12 trees for the purpose of killing trees. We just want to
13 make sure that there's a copy of everything that's readily
14 accessible in the public domain. The application is
15 already there, and the members of the committee should
16 also have their applications. So I don't think there will
17 be a problem with that. If there are particular places in
18 the application that you want people to turn to or make
19 note of, obviously, you can give us that information as we
20 go through it.

21 MR. GRANT: Sure.

22 CHMN. FOREMAN: If there is a page or two or
23 three or five that you want to have separately marked so
24 that people can write on or do something like that, I
25 don't have a problem with that either.

1 Obviously, if there's going to be some marking on
2 it that's done by any witnesses, I'll want those pieces to
3 be separately identified at the hearing and put in. But
4 we're going to -- I'm going to try very hard to apply the
5 rule of reasonableness with regard to all of these rules.
6 And what we're trying for, obviously, is to just make sure
7 that the record is complete.

8 MR. GRANT: Sure. So what I will do is I will
9 have binders for each member of the committee as you had
10 indicated in your order.

11 CHMN. FOREMAN: Well, if you have got -- if you
12 have no exhibits other than the applications, do the --
13 Tara, do the applications go out in binders or no?

14 MR. GRANT: Yes.

15 MS. WILLIAMS: Yes. The Docket Control mails
16 them out to the committee.

17 CHMN. FOREMAN: In binders. So if there are
18 going to be no exhibits other than the binders, then I
19 don't think you need another three-ring binder. If you're
20 going to have exhibits other than the binders, for
21 example --

22 MR. GRANT: Well -- I'm sorry. I didn't mean to
23 interrupt. I was thinking it might be helpful to the
24 committee to go ahead and put the -- my only exhibits,
25 actually, will be the Burson direct testimony and the

1 Kertell direct testimony, but I was going to put those in
2 binders just so they would be handy for the committee.

3 CHMN. FOREMAN: That's fine.

4 MR. GRANT: They should get them in advance, but
5 just in case someone didn't, I thought I would put that
6 prefilled testimony in there, put a slip sheet in marked
7 A-1 just to say that that is the application. And at
8 least at the current time, those are the only exhibits
9 that I contemplate.

10 CHMN. FOREMAN: Okay. I'm fine with that.

11 MR. GRANT: And we do have, just so you know, we
12 will have full-size blowups of both of the key maps. And
13 by that I'm not sure what we expanded them to, but, you
14 know, a four-by-eight blowup or something. So I think
15 that helps the committee members, in addition to the
16 flyover, to kind of put the project in some context and
17 that kind of thing.

18 CHMN. FOREMAN: Now, the flyover, I think we'll
19 need a DVD of that.

20 MR. GRANT: I have checked with the client, and I
21 asked them to confirm that they can do that. There are
22 some copyright restrictions on that product, but I told
23 them that I anticipated that you would want a disk or a
24 DVD in the record.

25 CHMN. FOREMAN: Yes.

1 MR. GRANT: So we will.

2 CHMN. FOREMAN: And I think the way to deal with
3 that may be to make it an exhibit to the testimony and
4 give it to the court reporter. And so it will be in the
5 public record, but be in perhaps a slightly different way
6 publically accessible than those that are filed with
7 Docket Control directly.

8 MR. GRANT: Okay.

9 CHMN. FOREMAN: Does that make sense,
10 Mr. Robertson? Do you have any problem with that? Just
11 filing the DVD of the flyover as an exhibit to the
12 testimony of a particular witness?

13 MR. ROBERTSON: Chairman Foreman, I think that
14 sounds like a very reasonable approach and is certainly
15 acceptable from Pinal County's standpoint.

16 CHMN. FOREMAN: Okay.

17 MR. GRANT: And Judge, just so you know for those
18 purposes, I actually reference the flyover in
19 Mr. Kertell's testimony. So he already says we will have
20 a flyover to display for the committee at the time of
21 hearing, or something along those lines, so there's a
22 record reference to it as well.

23 CHMN. FOREMAN: Good. Now, we've talked before
24 about this. I guess, Mr. Robertson, you haven't been a
25 part of these discussions about whether or not a tour is

1 going to take place. And because of the nature of the
2 terrain that's involved over which this application is
3 made, and because it's relatively short, and because of,
4 frankly, a significant part of it is not readily
5 accessible, I indicated earlier that I didn't think that a
6 tour was probably going to be needed, but that I wanted to
7 go to the hearing and, during the hearing or at the end of
8 the hearing, ask the committee members whether they would
9 like to have a tour. And if they did, then we would delay
10 and schedule a tour and then do our deliberations after
11 the tour.

12 Mr. Robertson, are you comfortable with that
13 approach to dealing with the tour issue?

14 MR. ROBERTSON: Yes. We would be comfortable
15 with that approach. And when we finish discussion on the
16 tour and before you move on to another topic, I would like
17 to comment on the subject of exhibits briefly.

18 CHMN. FOREMAN: All right. Well, let's go back
19 to that then. Well, I'll just indicate for the record
20 that we'll continue as I had indicated earlier. We'll go
21 to the hearing, we'll talk to the committee members, and
22 see if any of them feel that a tour is needed. If they do
23 and if the reasons they feel it's needed sound reasonable,
24 then I'll exercise my discretion with regard to the tour
25 at that time. If not, then we'll just do without the tour

1 and make our decision based on what is in the record.

2 All right. Now, with regard to exhibits.

3 MR. ROBERTSON: Yes, thank you. I had indicated
4 earlier that I did not anticipate Pinal County would be
5 calling a witness, and that continues to be our thinking
6 at the moment.

7 We do have a situation -- the approach I took
8 with Pinal County was I had the assistant county manager
9 confer with various county departments as to whether or
10 not statements that were made in the application and the
11 exhibits were accurate, or whether or not any of what is
12 being proposed might adversely impact the county's
13 interest.

14 And I received feedback from the planning
15 department that really just goes to the accuracy of some
16 of the descriptions of the county's planning process. Not
17 that the descriptions that appear in the application and
18 to the exhibits cause any problems that would occasion the
19 county to oppose the application, but rather more in the
20 nature of how the planning department would prefer to see
21 the county's planning process described. And I alluded to
22 this in an e-mail I sent to Mr. Grant earlier this
23 morning.

24 So I have been considering the possibility of
25 either offering that memorandum to the county manager that

1 was prepared by the planning department, which is fairly
2 straightforward, I think it's two pages with attachments
3 of three more pages from the portions of the application
4 and the exhibits involved, or dealing with it in my
5 opening remarks. I haven't made a final decision.

6 So in the event Pinal County should desire to
7 offer that document, I would want to do so in the form of
8 an exhibit. And I can make a decision on that by the end
9 of this week or obtain a decision from the county. I just
10 wanted to mention that one possibility to you and
11 Mr. Grant. But the county does not contemplate any other
12 exhibit, if any.

13 CHMN. FOREMAN: Okay. Well, please share the
14 document with Mr. Grant as soon as possible. And whether
15 you decide to put the document in or just talk about it,
16 then we'll deal with that when the appropriate time comes.

17 MR. ROBERTSON: All right. Thank you.

18 CHMN. FOREMAN: But I don't foresee a problem
19 with that. However, if one does come up and there's an
20 objection raised, and we'll deal with it at the
21 appropriate time.

22 All right. Now, we already have a proposed
23 Certificate of Environmental Compatibility. That's very
24 helpful. I think it will help focus the discussions by
25 the committee.

1 MR. GRANT: Judge, if I could, just so you know,
2 that is basically just the standard form conditions.

3 CHMN. FOREMAN: Uh-huh.

4 MR. GRANT: You had distributed those, I think,
5 at our first procedural conference. This obviously is a
6 pretty straightforward application, a short
7 interconnecting segment. So I just want to let you know
8 that that's basically what is in there, with maybe a
9 little bit of wordsmithing. But, I mean, they're even in
10 the same sequence.

11 The only thing that I would note is some of the
12 conditions, quite honestly, don't fully apply here. One
13 of the conditions is notifying developers, you know,
14 within a mile of the project site of the fact that the
15 project exists and asks them to include those materials in
16 their publication materials and those kinds of things.

17 We don't think there's been a developer in this
18 area for maybe a quarter of a century. But my thought
19 was, well, who knows, lightning might strike in the next
20 few months. So I went ahead and included that condition
21 in there, but there were perhaps two or three of them that
22 it was kind of a stretch to imagine them applying. On the
23 other hand, it was possible they might apply and they
24 certainly did no harm.

25 CHMN. FOREMAN: Okay. And I assume you're not

1 aware of any funerary objects or anthropological sites,
2 archaeological, paleontologic?

3 MR. GRANT: There are some identified sites in
4 the area. All of this has been designed to avoid those,
5 and there will also be a monitor there to ensure --

6 CHMN. FOREMAN: In the general area or in the
7 specific area where the line is proposed.

8 MR. GRANT: In the general -- in the study --
9 what I would refer to as the study area.

10 CHMN. FOREMAN: The study area, okay.

11 MR. GRANT: And the line has been designed to
12 avoid those.

13 CHMN. FOREMAN: All right. Well, we can -- I
14 mean, you obviously are going to have to do some minor
15 changing of the language, and we'll have to wait and see
16 who appears and who doesn't, and we need to put
17 Mr. Robertson's name in here and refer to Pinal County.
18 And so there are a bunch of things like that that can
19 occur, but I find that it's much easier to do those if you
20 have a specific point of departure, and that's what this
21 provides.

22 MR. GRANT: Sure.

23 MR. ROBERTSON: Chairman Foreman, I just
24 realized, looking at an e-mail that was sent to me by the
25 county about 1:00 this afternoon, that there's some

1 language in this particular communication that would
2 suggest possibly adding one condition to the draft CEC,
3 and I would like to inquire of you as to how you would
4 like me to proceed.

5 What I was thinking was that I could e-mail
6 Mr. Grant this memorandum, and he could see the language
7 that I'm referring to. I'm trying to confine my remarks
8 to those of a procedural nature as opposed to substantive
9 for the purposes of this prehearing conference. And then
10 perhaps he and I can work on some language for an
11 additional condition in the CEC that addresses this point.

12 CHMN. FOREMAN: Yeah. I think that's the thing
13 to do is you folks put your heads together, and then we
14 can -- you can hopefully narrow any disagreement. If any
15 disagreement remains, we'll deal with that at the time of
16 the hearing.

17 MR. ROBERTSON: Okay.

18 MR. GRANT: Absolutely.

19 MR. ROBERTSON: I will do that as soon as we
20 finish the procedural conference. I would be very
21 surprised if Mr. Grant and I find that we're in
22 disagreement. I think it's more coming up with some
23 language that addresses the point.

24 CHMN. FOREMAN: Okay. All right. Now, we still
25 think one day is doable?

1 MR. GRANT: Judge, I have got two witnesses, and
2 I have prefiled their direct testimony, obviously, and
3 intervention is fairly minimal. It obviously depends on
4 the amount of questions we get from the bench, and then,
5 of course, public comment. But as we've discussed, I
6 don't think there's going to be a lot of public comment.

7 So yeah, I'm hopeful we could wrap it in a day,
8 maybe even less. I hate to curse us by even mentioning
9 the possibility, but that's my best call.

10 CHMN. FOREMAN: Okay.

11 MR. ROBERTSON: Chairman Foreman, I have not had
12 an opportunity as yet to review the prefiled testimony of
13 Mr. Grant's two witnesses, so I don't know whether I would
14 have any questions of them or not. But I certainly do not
15 anticipate that the nature of my cross, if I have any,
16 would preclude us from being able to wrap up the
17 proceeding in one day.

18 CHMN. FOREMAN: Good. I know the committee
19 members that appreciate that. And so if we can fully and
20 fairly address everything in one day, that would be great.
21 And if we can't, then we will take the time we need.

22 Are there any other issues that we need to
23 address here this afternoon?

24 MR. GRANT: Judge, just very quickly. And I'm
25 sorry, Larry, you can't see this, but it's basically just

1 a public comment -- or a form of public comment request.

2 You had mentioned at a prior procedural
3 conference that you would appreciate it if that would be
4 prepared. It just basically says, I want to speak, name,
5 address, or I don't want to speak, but I support or
6 oppose, check whichever.

7 Is that what you had in mind?

8 CHMN. FOREMAN: Yes.

9 MR. GRANT: And we can have that at the door and
10 people could fill that out.

11 CHMN. FOREMAN: Yes.

12 MR. GRANT: Or put it in their notebook or
13 whatever they wanted to do.

14 CHMN. FOREMAN: Right. If you have a choice of
15 paper, you might want to make it a different color so that
16 we could make it uniquely colored. And I am not going to
17 require it, but I prefer it. And the reason I prefer it
18 is because if I see somebody waving one of those things
19 around that's across the room and it's a unique piece
20 of -- colored piece of paper, then that will be an alert
21 to me that I need to consider public comment and so we
22 can -- that's just a help to me.

23 MR. GRANT: Sounds good. I will do that.

24 CHMN. FOREMAN: So that looks fine.

25 Any other issues that we can address here?

1 MR. GRANT: I don't think so, Judge. I think
2 that covers it.

3 MR. ROBERTSON: None that I can think of.

4 CHMN. FOREMAN: Very good. We'll have a couple
5 of new members next week, but I think all but one of them
6 have prior line siting experience. So I think we should
7 be able to move along quickly and hopefully we can get
8 this resolved.

9 MR. GRANT: Just out of curiosity, who are the
10 newbies?

11 CHMN. FOREMAN: Well, the true new person is
12 Jessica Youle of the Department of Energy, Department of
13 Commerce.

14 MR. GRANT: Oh, okay.

15 CHMN. FOREMAN: She will be replacing Member
16 Haenichen.

17 MR. GRANT: That's right.

18 CHMN. FOREMAN: Bill Mundell is going to be back
19 as an appointed member. I think he's the chair-appointed
20 member. And Member Whalen and Member Wong have had
21 their -- no, he's not. I guess Mr. Eberhart is the
22 designee of the chair.

23 In any event, Mr. Mundell is going to be back.
24 Member Palmer, Member Wong have had their appointments
25 re-upped. So along with Member Youle, that will be a

1 little newness, but everybody else I think is experienced
2 and will be able to move right along.

3 MR. GRANT: Sounds good.

4 CHMN. FOREMAN: All right. Anything else we need
5 to address?

6 MR. GRANT: Nothing from the Applicant.

7 MR. ROBERTSON: Not from Pinal County.

8 MS. WILLIAMS: Chairman, I'm sorry. On the off
9 chance that there is a tour, would you like to discuss the
10 issue of a court reporter attending?

11 CHMN. FOREMAN: Oh, yeah. I've had a chance to
12 talk just briefly about the court reporter attendance, and
13 I guess we're still trying to figure out the engineering
14 or technology of that. It's possible that if we do decide
15 to do a court reporter that we may just do a recording,
16 and then have the recording played later and transcribed
17 later by the court reporter and have the court reporter be
18 responsible for the recording of it.

19 Do either of you have a problem with that?

20 MR. GRANT: None.

21 MR. ROBERTSON: My only comment, Chairman
22 Foreman, would be that makes a very strong assumption as
23 to the accuracy and the adequacy of the microphone system
24 within the hearing room. I have no idea what kind of room
25 they may have set aside for this purpose.

1 MR. GRANT: This is the tour. I'm sorry.

2 CHMN. FOREMAN: We're going to be out in the
3 boondocks.

4 MR. ROBERTSON: Oh, no, no. I could not hear the
5 background for where there would not be a court reporter,
6 because I couldn't hear your assistant's voice. I could
7 hear her voice, but I couldn't hear the words, so I didn't
8 understand it related only to the tour. No. I have no
9 problem with it with regard to the tour.

10 CHMN. FOREMAN: Yeah. And we'll have to take
11 extra care. I'm assuming that we're not going to have a
12 tour, and I'm assuming that we won't have to face those
13 issues in this case.

14 But eventually, if logistically we aren't able to
15 engineer the tour so that there is an electricity supply
16 or the court reporters are not able to use the old-style
17 machines or whatever, then we're going to have to, I
18 think, look to something like recording and go from there.

19 But the formal testimony and statements and
20 questioning that I'm going to allow on the tour are going
21 to be very closely monitored so that we can make sure that
22 we know who it is that is talking and make sure that they
23 are near the microphone when they are talking so that we
24 can deal with wind problems and background noise problems,
25 which I anticipate will be a difficulty, but I just -- I

1 don't know how else to engineer a tour so that we can have
2 whatever is said on the record.

3 And I don't know how to meaningfully have a tour
4 without having something said, at least orienting people
5 as to where they are, telling them what direction they're
6 looking, and where the proposed line and corridor is
7 located. It seems to me those are pretty basic items.
8 And if you don't have those, the tour is not very
9 meaningful.

10 MR. ROBERTSON: Chairman, being clearly the
11 oldest one participating in this prehearing conference, I
12 can't resist making the following comment: Where is a
13 good stenographer when you need one?

14 CHMN. FOREMAN: Oh, my. Well, they are probably
15 in that great courtroom in the sky.

16 All right. Anything else that we need to
17 address?

18 MR. GRANT: Nothing here.

19 MR. ROBERTSON: Not from this end.

20 CHMN. FOREMAN: Very good. Thank you very much.

21 (The Prehearing Conference concluded at
22 2:37 p.m.)

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1 STATE OF ARIZONA)
2) ss.
3 COUNTY OF MARICOPA)

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5 I, MICHELE E. BALMER, Certified Reporter
6 No. 50489 for the State of Arizona, do hereby certify that
7 the foregoing printed pages constitute a full, true and
8 accurate transcript of the proceedings had in the
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12 WITNESS my hand this 7th day of May, 2009.

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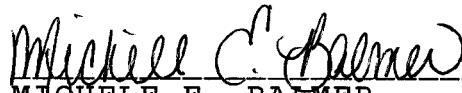
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